

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.4468 of 2020

Selvam

.... Petitioner

Vs.

State Rep.by its
Inspector of Police,
DCB Police Station,
Tiruvarur District
Crime No.1 of 2020

.... Respondent

Prayer: Petition filed under Section 438 of Cr.P.C., to grant anticipatory bail to the petitioner in the event of arrest in Crime No.1 of 2020 by the respondent police.

For Petitioner : Mr.N.Chinnaraj

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 408, 409, 471, 465, 420, 120(b) of IPC in Crime No.1 of 2020 on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and A1 were misappropriated a sum of Rs.11,46,500/- from the treasury of the Municipality, Mannarkudi. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. In fact the loss amount has been collected from the petitioner. On instructions he would further submit that the petitioner is ready to deposit a sum of Rs.10,000/- in Government Higher Secondary School, Kootor, Thiruvarur District for students welfare. Hence, he prayed for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner and other accused were misappropriated a sum of Rs.11,46,500/- from the treasury of the Municipality, Mannarkudi.

5.Considering the facts and circumstances and also considering the petitioner has come forward to deposit an amount of Rs.10,000/-, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) directly to the Principal/Head Master/Head Mistress, Government Higher Secondary School, Kootor, Thiruvavarur District for students welfare, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Thiruvavarur on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) directly to the Principal, Government Higher Secondary School, Kootor, Thiruvavarur District for students welfare and produce the receipt at the time executing the bond. On such payment, the Principal/ Head Master/ Head Mistress shall use the money for students welfare and submit a report to the concerned Chief Educational Officer.

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

27/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVARUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
DCB POLICE STATION,
TIRUVARUR DISTRICT.

4 THE PRINCIPAL,
GOVERNMENT HIGHER SECONDARY SCHOOL, KOOTOR,
THIRUVARUR DISTRICT.

5 THE PRINCIPAL/HEAD MASTER/
HEAD MISTRESS, GOVERNMENT HIGHER SECONDARY
SCHOOL, KOOTOR, THIRUVARUR DISTRICT.

+1 CC to M/S. N.CHINNARAJ Advocate on payment of necessary charges sr.4219

CRL OP.4468/2020

Date :27/02/2020

RVR 30/06/2020